

REMARKS

Claims 1-32 are currently pending in the present application. The Applicant wishes to express his gratitude for the Examiner's allowance of claims 1-8.

Rejection Under § 112, First Paragraph: Claims 9-32 stand rejected under 35 U.S.C. § 112, first paragraph for the specification's failing to enable any power source other than a stationary fuel cell for the claimed building heat and power systems. Claim 21 is also objected to for improper punctuation,

Consistent with the Examiner's helpful suggestions, the Applicant has amended claims 9 and 21 to recite a stationary fuel cell as the power source for the building heat and power systems. In addition, claim 21 has been amended to correct the punctuation error. Reconsideration and withdrawal of the pending § 112 rejection and the claim objection is respectfully requested.

Rejections Under § 102(e) and § 103(a) Over Ogino: Claims 9, 11-15, 17, 19-21, 23-27, 29 and 31-32 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,294,276 B1 to Ogino ("Ogino"). Claims 9-10, 16, 18, 21-22, 28 and 30 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Ogino.

The Applicant respectfully traverses the pending §§ 102(e) and 103(a) rejections on the grounds that the Ogino reference neither discloses nor suggests all the features of the invention recited in amended independent claims 9 and 21.

As noted in the Examiner's statement of reasons for allowance, none of the prior art of record discloses an extraction system wherein fuel fed to a fuel cell in a stationary building can also be fed to an electric car via an extraction station that directs the fuel to a fuel cell in the car to power the same. The Applicant

has amended claims 9 and 21 to include allowed claim 1's limitation of a stationary fuel cell assigned to at least one building, wherein fuel distribution system is operable "to supply building fuel to said stationary fuel-cell system."

The Applicant respectfully submits that amended claims 9 and 21, and their respective dependent claims 10-20 and 22-32, are now patentable over the prior art of record (including the cited Ogino reference), under §§ 102(e) and 103(a).

Accordingly, the Applicant respectfully requests the pending rejections be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that claims 9-32 are in allowable form. Early and favorable consideration and issuance of a Notice of Allowance for claims 1-32 is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket #095309.49944US).

January 22, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald D. Evenson", written over a horizontal line.

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